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In re Application of BEN-HAIM et al : :
U.S. Application No.: 09/980,748 : :
PCT Application No.: PCT/IL00/00302 : : DECISION
Int. Filing Date: 25 May 2000 : :
Priority Date Claimed: 26 May 1999 : :
Attorney Docket No.: 20066-21 : :
For: SHOCKLESS DEFIBRILLATION : :

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 25 May 2000, applicant filed international application PCT/IL00/00302, which claimed priority of an earlier United States application filed 26 May 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 07 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 26 November 2001.

On 15 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 11 April 2002, applicant filed an executed declaration.

On 18 December 2003, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned for failure to timely respond to the Notification of Missing Requirements.

DISCUSSION

The Notification of Abandonment was sent in error.

CONCLUSION

For the reasons above, the Notification of Abandonment (Form PCT/DO/EO/909) mailed 18 December 2003 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 25 May 2000, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c4) of 11 April 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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